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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT **8-1**
SUBDIVISION REVIEW BOARD

MEETING DATE July 10, 2006	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Angelo Morabito	FILE NO. CO 04-0582 SUB2004-00235
SUBJECT Request by Angelo Morabito for a Vesting Parcel Map (CO 04-0582) / Conditional Use Permit (SUB2004-00235) to subdivide an existing 55.83 acre parcel into three residential parcels of 1.61, 1.94, 2.03, and an open space parcel of 50.25 acres as a Minor Agricultural Cluster Project. The project will result in the disturbance of approximately 1.5 acres of a 57 acre parcel. The proposed project is within the Agriculture land use category and is located at 4595 South Higuera Street, approximately 300 feet east of Highway 101, ¼ mile south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Parcel Map CO 04-0582 and Conditional Use Permit SUB2004-00235 based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 15, 2006 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, geology and soils, hazards and hazardous materials, noise, public services and utilities, recreation, wastewater, and water, and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard, Airport Review	ASSESSOR PARCEL NUMBER 076-081-020	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Sec. 22.108.020 – San Luis Obispo Areawide Standards. Utilities, application referral, open space preservation, production agriculture, highway corridor design standards <i>Does the project conform to the Planning Area Standards – Yes, see discussion</i>			
LAND USE ORDINANCE STANDARDS: Sec. 22.22.040 – Agriculture Subdivision Design Sec. 22.22.150 – Agricultural Lands Clustering			
EXISTING USES: Residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/octagon barn, row crops <i>East:</i> Agriculture/row crops, residence, accessory structures <i>South:</i> Agriculture/row crop, ecological preserve <i>West:</i> Agriculture/row crops, Highway 101			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, ALUC, APCD, Department of Fish and Game, Cal Trans, City of San Luis Obispo	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Grasses, row crop
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: September 16, 2005

ORDINANCE COMPLIANCE:

The proposed project is a Minor Agricultural Cluster as allowed by Section 22.22.154 of the Land Use Ordinance. The allowed number of parcels is based on a base density calculation and a bonus parcel calculation.

Base Density

Section 22.22.040 of the Land Use Ordinance establishes standards for determining base density through minimum parcel sizes in the Agriculture land use category. The standards are based on the existing land use, land capability, or the agricultural preserve contract. Minimum parcel size is based on the largest parcel size as calculated by the tests. The proposed parcels meet all requirements for 20 acre parcels as follows:

Test	Minimum Parcel Size
Agricultural Land Use	20 acres
Land capability	20 acres
Agricultural Preserve (None exist on the property)	Not Applicable

Proposed parcels less than 40 acres, but no smaller than 20 acres may be proposed where the criteria listed in Section 22.22.040.B.1.b have been met, including Class I or II irrigated soil, 90 percent of the acreage of the site is planted in irrigated row crop, a production water source is installed, and the open space parcel is placed in a Williamson Act agricultural preserve. In addition, the soils classification shall be National Resource Conservation Service class I or II on at least 20 acres. The proposed project site meets these criteria. Therefore, with a total site acreage of 55.83 acres, the base density is two (2) parcels.

Bonus Parcel Calculation

The maximum number of residential parcels allowed in a Minor Agricultural Cluster is equivalent to the number of base parcels (2) with a parcel bonus of at least one additional parcel, up to a maximum of 25 percent. Therefore, the parcel bonus allowed is one (1) additional parcel, for a total of three (3) allowed parcels on the site.

Minimum Parcel Size

The minimum parcel size of clustered residential parcels in a Minor Agricultural Cluster is 20,000 square feet, with a minimum open space parcel of 90% of the site area. The proposed project meets this criteria.

OTHER ISSUES

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

County Ordinance 2529 establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PLANNING AREA STANDARDS:

Sec. 22.108.020 – San Luis Obispo Areawide Standards:

22.108.020.A – Undergrounding; All projects requiring Conditional Use Permit will place utilities underground.

As conditioned, the project meets this standard. All utilities will be placed underground.

22.108.020.B – Planning Impact Areas; Application referral to the City of San Luis Obispo

The project was referred to the City of San Luis Obispo for review and comment. The City requested that the applicant provide subdivider's statement, description of easements, access, planned uses, exceptions, if any. The applicant has signed a developer's statement and included proposed easements, access, and planned uses on the plans.

22.108.020.C – Open space preservation; Where land contains important physical, biological, visual, or historic resources, cluster land divisions are encouraged to provide permanent open space.

The project meets this standard as proposed. The proposal is for a minor agricultural cluster, which includes an open space parcel over 50.25 acres, representing 90 percent of the site, to be set aside for agricultural use in perpetuity.

22.108.020.D – Production agricultural areas; New development shall be designed to minimize the loss of existing and potential agricultural areas by placement of buildings and new parcels outside the most agriculturally capable areas.

The project meets this standard as proposed. The proposed new parcels and future development are located on the higher grassy elevations which are within the least agriculturally capable areas of the property. Residential development is prohibited on the open space parcel, and agricultural-related buildings are limited in size.

22.108.020.F. – Highway corridor design standards; Limitations on biological habitats, ridgetop development, slopes/grading, rock outcrops, building height, and landscaping provisions.

As proposed and conditioned, the project meets these standards. Development will avoid biological habitats, including the nearby San Luis Obispo Creek. Based on photos and multiple site visits, as well as restrictions on the height of future development, no ridgetop silhouetting shall occur. Grading will occur on areas less than 20 percent slope, and significant rock outcrops are not present in the area of proposed development. Building heights will be limited to 18 feet, and dark colors and natural materials will be required for future residences. A landscaping plan will be required to screen and blend future development into the surrounding landscape.

SPECIAL ENVIRONMENTAL CONSIDERATIONS

Building Envelopes

The proposed project is located in an area with numerous environmental and physical constraints to future development. These include the following:

- **Los Osos Fault Zone** – A potentially active fault runs through the property southwest to northeast. Recommendations from a geological review included a 400 foot wide fault zone buffer centered on the approximate location of the fault. The existing residence is within the fault zone buffer; however, no new development is proposed in this area.
- **PG&E Easement** – A primary PG&E easement 100 feet wide also runs through the property southwest to northeast. No development is allowed or proposed in this area.
- **Agricultural Resources** – The property includes prime agricultural soil, and has been actively farmed with rowcrops. The proposed building envelopes are located at a higher elevation and south of the rowcrops. Recommendations from the Agricultural Commissioner's Office for future development include access, agricultural buffers, fencing, etc. (see attached letter dated February 10, 2005).
- **Visual Resources** – The property is located within view of Highway 101, the primary arterial of the County. Due to the constrained location of building envelopes, special building heights, landscaping and restrictions on colors and materials are conditions of approval.
- **Noise** – As the property is located near Highway 101, standard interior noise mitigation will be required in the construction of future development, including mechanical ventilation and perimeter weather stripping and sealing.

Staff has worked with the applicant to revise the original plans to accommodate these constraints. Staff is satisfied with the current proposal and the location of the proposed areas for future development.

COMBINING DESIGNATIONS:

Sensitive Resource Area

The property is within the Sensitive Resource Area (SRA) Combining Designation for the San Luis Obispo Planning Area. This SRA includes land within 100 feet of Highway 101. The property lies within this designated corridor. Because the standards related to the SRA are also Planning Area Standards for the San Luis Obispo Planning Area, they have been discussed in a previous section of this report. Staff's review has found that, as proposed and conditioned, the project meets these standards.

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Flood Hazard

Portions of the property are located within the FEMA-designated 100-year flood area. Future development will be required to conform with all permitting, construction and location requirements identified in Section 22.14.060 of the Land Use Ordinance.

Airport Review Area

The project is within the Airport Review Area for the San Luis Obispo County Airport. The project was referred to the Airport Land Use Commission, and no concerns were identified. The height of the proposed structure and landscaping will not exceed what is allowed by the ALUP and Land Use Ordinance.

AGENCY REVIEW:

Public Works – Stock conditions attached. Private easement, floodplain must be shown, etc.

Environmental Health - Preliminary evidence of water and septic have been provided.

Ag Commissioner – Project will not result in significant impact to agricultural resources. Includes mitigation recommendations for future development, access, agricultural buffers, fencing, etc. (see attached letter dated February 10, 2005).

County Parks – No trail or dedication is needed at this time.

CDF – See attached fire safety letter dated March 14, 2005.

APCD – Recognizes understands intent to preserve agricultural lands. However, do not support development because it creates three small agricultural parcels that are unsustainable (see attached letter dated April 12, 2005).

Cal Trans – See letter dated May 2, 2005. In follow-up discussions with County staff, Cal Trans indicated that no traffic study and mitigation were required due to the scope of the project.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 15, 2006 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, geology and soils, hazards and hazardous materials, noise, public services and utilities, recreation, wastewater, and water, and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Agriculture land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance through a minor agricultural cluster project.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the three proposed residential parcels contain adequate area for development of residential uses.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support primary and secondary dwellings on each residential parcel and agricultural uses on the open space parcel.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for aesthetics, agricultural resources, air quality, geology and soils, hazards and hazardous materials, noise, public services and utilities, recreation, wastewater, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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Sensitive Resource Area

- J. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because residential development will not present a significant impact to visual resources due to limitations on the height of future structures, proposed landscaping, materials and colors proposed, and avoidance of natural areas.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR CO 04-0582 (Morabito Minor Ag Cluster)

Approved Project

1. A Vesting Parcel Map and Conditional Use Permit (SUB2004-00235) to subdivide an existing 55.83 acre parcel into three residential parcels of 1.61, 1.94, 2.03, and an open space parcel of 50.25 acres as a minor agricultural cluster.

Access and Improvements

2. The intersection of the private access road and South Higuera Street be designed in accordance with California Highway Design Manual Figure 405.7, within necessary dedicated right-of-way.
3. A private easement be reserved on the map for access to lots 1 through 4.
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
6. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

7. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Wastewater Disposal

8. Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by

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a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system.

Utilities

9. Electric and telephone lines shall be installed overhead.
10. Cable T.V. conduits shall be installed in the street.
11. Gas lines shall be installed.

Fire Protection

12. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

13. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

14. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

15. The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
16. An open space easement be recorded for the open space parcel. It is to be held in single ownership or transferred to a public trust or conservancy agency approved by the Department of Planning and Building. The open space parcel is to be maintained as such in perpetuity.

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17. **Prior to recordation of the final map**, the applicant install fencing between the proposed residential parcels and the surrounding agricultural lands. The fencing shall be wood split-fence not to exceed 4 feet in height or a similar open-type attractive fencing.
18. **Prior to recordation of the final map**, the applicant shall submit a drainage plan for any improvements to the existing access driveway with the subdivision improvement plans, for review and approval by the Department of Planning & Building and Public Works Department. This plan shall, whenever feasible, direct drainage away from existing oak trees to avoid impacting the existing vegetation.
19. **Prior to recordation of the final map**, the applicant shall submit a sedimentation and erosion control plan for any improvements to the existing access driveway with the subdivision improvement plans for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.
20. **Prior to recordation of the final map**, the applicant shall enter into a Williamson Act agricultural preserve contract for the open space parcel in accordance with the County Rules of Procedure.

Additional Map Sheet

21. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans. All new development (e.g. residences, detached garages, guest houses, sheds, access roads and driveways shall be located within the building sites.
 - b. Each lot shall be limited to one residence (no additional primary residence or secondary residences)
 - c. Agricultural buffers prohibiting residential structures as follows:
 - i. A buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based on existing topography, this will include a buffer of 135 feet on the southwest portion of parcel 1, a buffer of 130 feet on the western portion of parcel 2, and a buffer of 135 feet on the west side of parcel 3.
 - ii. A buffer of 50 feet from the eastern property line of parcel 1.

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- d. Withdrawals from the community well shall be limited to domestic use and shall be for three residential parcels only.
- e. Owners of the residential parcels shall maintain the access road.
- f. Future ranch/farm headquarters development shall be limited to a building site not to exceed one-half (1/2) acre.
- g. Future agricultural accessory structures/agricultural processing uses to a building site shall not exceed one(1) acre with the use directly relating to the on-site production of agricultural products.
- h. Fencing between the proposed residential parcels and the surrounding agricultural lands shall be maintained.
- i. The limits of inundation from a 100 year storm over lots 1 through 4 from San Luis Obispo Creek shall be shown on the additional map sheet and note the required building restriction on the sheet.
- j. **At the time of application for construction permits**, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 18 feet in height above the existing ground surface.
- k. **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. The following colors/materials, or darker, shall be used: Roof - (color/material); Exterior walls - (color/material); Trim - (color/material). (All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color
- l. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section [22.04.186 of the San Luis Obispo County Land Use Ordinance] and shall provide vegetation that will adequately blend the new development, including driveways, access roads, outbuildings, water tanks, etc., into the surrounding environment.
- m. **Prior to sale of each individual lot and/or residence**, the applicant shall provide each new landowner with a copy of the County Right-to-Farm Ordinance

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and notification regarding adjacent agricultural land uses. Notification shall include typical and potential hours of operation, the types of crops grown and the usual activities that may occur on properties with irrigated orchards or commercial nurseries. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity.

- n. **Prior to issuance of grading and construction permits for both road improvements and individual lot development**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stock-pile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - v. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- o. "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>)
- p. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental drainage plan for review and approval by the Department of Planning & Building and Public Works Department.
- q. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works

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Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.

- r. **At the time of application for construction permits**, the applicant shall show the following on the project plans:
 - i. The structure is provided with air conditioning or mechanical ventilation.
 - ii. All exterior doors are solid core with perimeter weather stripping and threshold seals.
 - iii. The west facing windows shall be fully gasketed, with an STC rating of 30 or better, as determined in testing by an accredited acoustical laboratory. One pane shall be laminated glass.
- s. The applicant shall incorporate a 400-foot geologic hazard buffer centered on the approximated Los Osos Fault Zone, within which no new development shall occur.

Covenants, Conditions and Restrictions

- 22. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. If the open space parcel is to be held in common by all homeowners, the CC&R's shall establish a Homeowner's Association. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of the easements to the residential parcels.
 - b. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 23. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 24. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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FINDINGS - EXHIBIT C

Conditional Use Permit SUB2004-00235 (Morabito Minor Ag Cluster)

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 15, 2006 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, geology and soils, hazards and hazardous materials, noise, public services and utilities, recreation, wastewater, and water, and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the minor agricultural cluster project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the minor agricultural cluster project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on South Higuera Street, a collector road, which is constructed to a level able to handle any additional traffic associated with the project.

Sensitive Resource Area

- G. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because residential development will not present a significant impact to visual resources due to limitations on the height of future structures, proposed landscaping, materials and colors proposed, and avoidance of natural areas.

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Minor Agricultural Cluster

- H. The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.
- I. The proposed project has been designed to:
 - 1. Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties;
 - 2. Minimize, to the maximum extent feasible, the need for construction of new roads by clustering new development close to existing roads;
 - 3. Avoid placement of roads or structures on any environmentally sensitive habitat areas;
 - 4. Minimize impacts of non-agricultural structures and roads on public views from public roads and public recreation areas;
 - 5. Cluster proposed residential structures, to the maximum extent feasible, so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area;
 - 6. Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion.
- J. The proposed project will not result in any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.
- K. The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.
- L. The proposed clustered development and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space.

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CONDITIONS OF APPROVAL - EXHIBIT D

Conditional Use Permit SUB2004-00235 (Morabito Minor Ag Cluster)

Approved Development

1. This approval authorizes
 - a. A Minor Agricultural Cluster to divide an existing 55.83 acre parcel into three residential parcels of 1.61, 1.94, 2.03, and an open space parcel of 50.25 acres as a minor agricultural cluster.
 - b. maximum height is 18 from average natural grade.
 - c. Each lot shall be limited to one residence (no additional primary residence or secondary residences)

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. Future ranch/farm headquarters development shall be limited to a building site not to exceed one-half (1/2) acre.
4. Future agricultural accessory structures/agricultural processing uses to a building site shall not exceed one(1) acre with the use directly relating to the on-site production of agricultural products.
5. The applicant shall incorporate a 400-foot geologic hazard buffer centered on the approximated Los Osos Fault Zone, within which no new development shall occur.

Fire Safety

6. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 14, 2005.

Services

7. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.

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8. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.
9. Withdrawals from the community well shall be limited to domestic use and shall be for three residences only.
10. **At the time of application for construction permits**, the applicant shall clearly delineate the building sites on the project plans, as shown on the attached exhibit. All new development (e.g. residences, detached garages, guest houses, sheds, access roads and driveways shall be located within the building sites.
11. **At the time of application for construction permits**, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 18 feet in height above the existing ground surface.
12. **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. The following colors/materials, or darker, shall be used: Roof - (color/material); Exterior walls - (color/material); Trim - (color/material). (All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color.
13. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section [22.04.186 of the San Luis Obispo County Land Use Ordinance] and shall provide vegetation that will adequately blend the new development, including driveways, access roads, outbuildings, water tanks, etc., into the surrounding environment.
14. **At the time of application for construction permits**, the applicant shall show the following on the project plans:
 - a. The structure is provided with air conditioning or mechanical ventilation.
 - b. All exterior doors are solid core with perimeter weather stripping and threshold seals.
 - c. The west facing windows shall be fully gasketed, with an STC rating of 30 or better, as determined in testing by an accredited acoustical laboratory. One pane shall be laminated glass.

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15. **At the time of application for construction permits**, the applicant shall identify the boundaries of the open space parcel on the project plans.

Conditions to be completed prior to issuance of a construction permit

Fees

16. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
17. **Prior to issuance of grading and construction permits for both road improvements and individual lot development**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
- a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
18. "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slcleanair.org/business/asbestos.asp>)
19. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental drainage plan for review and approval by the Department of Planning & Building and Public Works Department.
20. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall

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include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.

21. **Prior to building permit issuance**, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

22. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
23. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
24. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

25. Prior to sale of each individual lot and/or residence, the applicant shall provide each new landowner with a copy of the County Right-to-Farm Ordinance and notification regarding adjacent agricultural land uses. Notification shall include typical and potential hours of operation, the types of crops grown and the usual activities that may occur on properties with irrigated orchards or commercial nurseries. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity.
26. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
 - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
 - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
 - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for

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each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.



Morabito SUB2004-00235

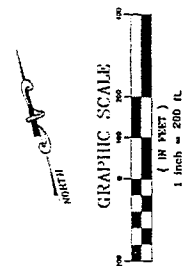
Vicinity Map



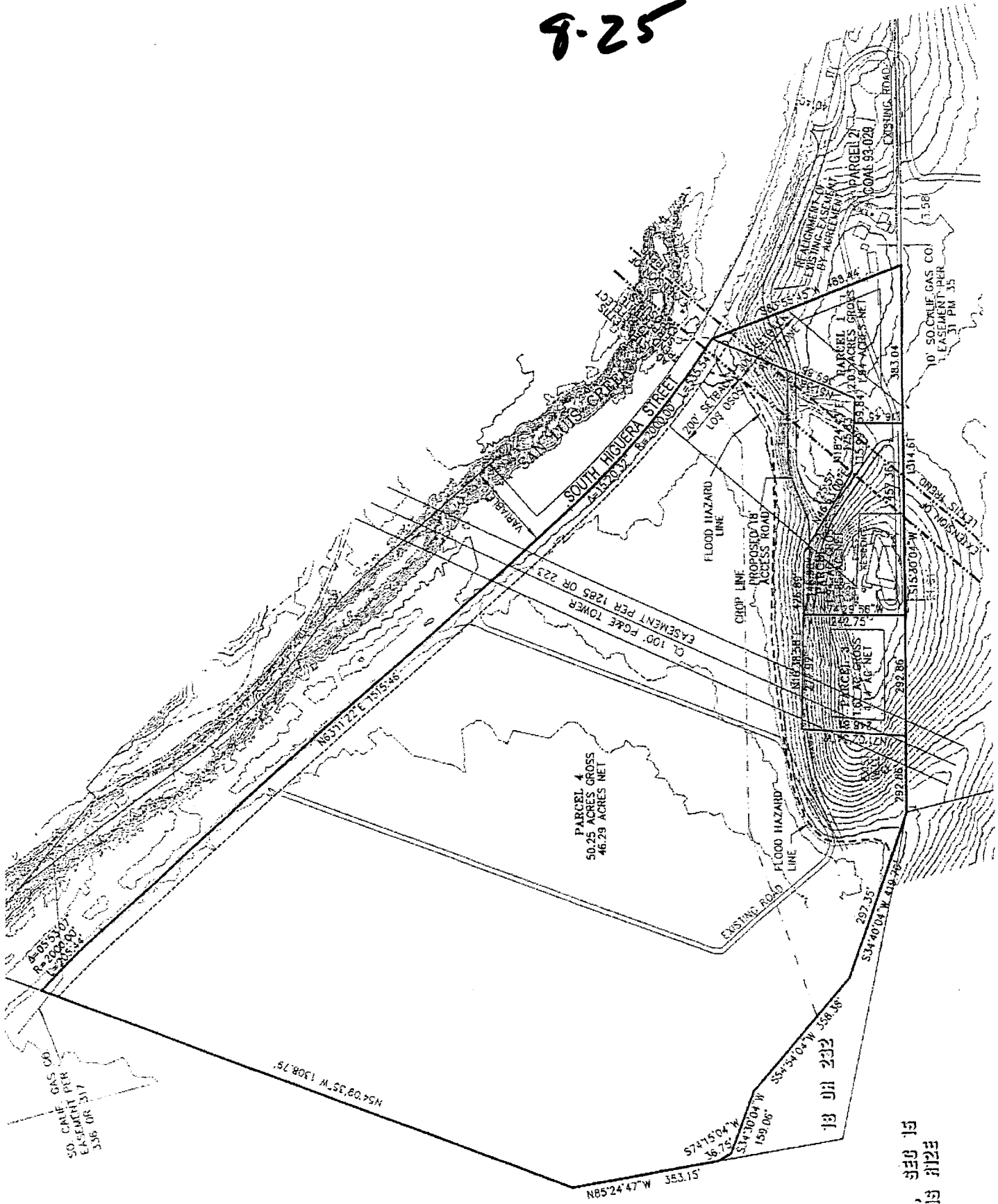
Morabito SUB2004-00235

Land Use Category





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LUT 2, 330 15
1313 112E

Proposed Tentative Map CO 04-0582



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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (BP)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**ENVIRONMENTAL DETERMINATION NO. ED05-154****DATE: June 15, 2006****PROJECT/ENTITLEMENT:** Morabito Parcel Map and Conditional Use Permit SUB2004-00235**APPLICANT NAME:** David Periera**ADDRESS:** 4595 S. Higuera St. San Luis Obispo, CA, 93401**CONTACT PERSON:** Westland engineering, Inc.**Telephone:** (805) 541-2394

PROPOSED USES/INTENT: Morabito Parcel Map and Conditional Use Permit. Request by Angelo Morabito to allow for a minor agriculture cluster development and subdivide an approximate 55.83 acre parcel into three residential parcels of approximately 1.61, 1.94, 2.3 acre parcels and one non-buildable open space parcel of 50.25 acres, which will result in the disturbance of approximately 1.5 acres on a 57 acre parcel.

LOCATION: The proposed project is within the Agriculture land use category, and is located at 4595 South Higuera Street, approximately ½ mile south of Los Osos Valley Road, approximately 1/4 mile south of the City of San Luis Obispo, in the San Luis Obispo planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Regional Water Quality Control Board
, Environmental Health

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on June 29, 2006

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination**State Clearinghouse No.**

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Brian Pedrotti

County of San Luis Obispo

Signature**Project Manager Name****Date****Public Agency**



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San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: _____

County: San Luis Obispo

Project No. SUB2004-00235

Project Title: Morabito Parcel Map & Conditional Use Permit

Project Applicant

Name: David Periera

Address: 4595 S. Higuera St.

City, State, Zip Code: San Luis Obispo, CA, 93401

Telephone #: (805) 543-0351

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ <u>25.00</u>
Total amount due:	1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Morabito Parcel Map and Conditional Use Permit SUB2004-00235; ED 05-154

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brian Pedrotti
Prepared by (Print)

B. D. Pedrotti
Signature

5/24/06
Date

Jeff Oliveira
Reviewed by (Print)

Jeff Oliveira
Signature

Ellen Carroll,
Environmental Coordinator
(for)

5/24/06
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Angelo Morabito for a Vesting Parcel Map (CO 04-0582) / Conditional Use Permit (SUB2004-00235) to subdivide an existing 55.83 acre parcel into three residential parcels of 1.61, 1.94, 2.03, and an open space parcel of 50.25 acres as a minor agricultural cluster. The project will result in the disturbance of approximately 1.5 acres of a 57 acre parcel. The proposed project is within the Agriculture land use category and is located at 4595 South Higuera Street, approximately 300 feet east of Highway 101, ¼ mile south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.

ASSESSOR PARCEL NUMBER(S): 076-081-020

SUPERVISORIAL DISTRICT # 3

B. EXISTING SETTING

PLANNING AREA: San Luis Obispo, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard, Airport Review

EXISTING USES: Residence

TOPOGRAPHY: Nearly level to moderately sloping

VEGETATION: Grasses

PARCEL SIZE: 55.83 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; octagon barn, row crops	<i>East:</i> Agriculture; row crop, residence, agricultural accessory structures
<i>South:</i> Agriculture; undeveloped; row crop, ecological preserve	<i>West:</i> Agriculture; row crops, Highway 101

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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located on South Higuera Road, a collector road, and is located approximately 300 feet east of Highway 101, a major arterial. The topography of the area is characterized by an elevated Highway 101, which drops into the floodplain of San Luis Obispo Creek. The floodplain includes the farmed portion of the subject property which slopes up to a ridge on the east. The site is vegetated primarily with seasonal row crops, with grasses and ornamental trees around the existing residence on the ridge. The area is primarily within the Agriculture land use category with agricultural uses and scattered residences in the area. To the northeast is a large area within the Industrial land use category partially developed with light industrial uses. The 80 acre property to the southwest is the Filipponi Ecological Area owned by the City of San Luis Obispo and managed by the Land Conservancy.

Impact. The proposed subdivision will result in three new residential parcels of approximately 1.61, 1.94, and 2.03 acres each, with a larger open space parcel of approximately 50.25 acres to be actively farmed. The site will be partially visible for approximately 8-10 seconds going north and south on Highway 101 from alternating angles through roadside and San Luis Obispo Creek vegetation. Existing development within the view corridor reduces the potential visual impact of the proposed project, and the backdrop includes scattered residences and a new industrial building (Dioptrics). The subject property is within the Highway Corridor Design Area of Highway 101, which protects the scenic corridor through requirements for silhouetting, grading, colors and materials, and screening landscaping. Proposed building envelopes for proposed parcels 1 and 3 are situated on elevations which have the potential to result in future residences silhouetting against the horizon. However, these building envelopes have been located so that they are not located on the prime agricultural land on the lower elevations. An existing residence on proposed parcel 2 does not silhouette because it is a one-story ranch-style house. The applicant provided site photographs showing the existing

residence and proposed building envelopes from Highway 101, which indicated that measures to reduce building height, special attention to colors and materials, and proper landscaping will reduce the level of visual impact to less than significant.

Mitigation/Conclusion. To maintain the character of the area and to reduce potential visual impacts, the following measures are proposed: use of darker exterior building materials, limiting the height of the structure(s), and screening landscaping plans for future residences. The applicant has agreed to incorporate these measures (see attached Developer's Statement) as a part of the project. Therefore, implementation of these measures will reduce the potential visual impacts to insignificant levels.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is located within the Agriculture land use category. The soil types include: Marimel sandy clay loam, Salinas silty clay loam, (0 - 2 % slope), Gazos-Lodo clay loams, (15 - 30 % slope), Concepcion loam, (2 - 5 % slope), Diablo clay, (5 - 9 % slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "III" to "IV", and the "irrigated" soil class is "NA" to "III". Currently the site is planted with irrigated row crops. Surrounding agricultural uses are dominated by row crops on all sides. The site is not currently within a Williamson Act Contract. Proposed residential development is located on the higher elevations of the site, outside of the portions currently planted with irrigated row crops.

Impact/Mitigation. The project was referred to the Agricultural Commissioner's Office for review and comment. The Ag Commissioner found that the project would not result in significant environmental impacts to agricultural resources or operations with the addition of mitigation measures. This measures included limiting withdrawals of the community well, maintenance of the access road, limitations on the development on the proposed open space parcel, agricultural buffers, fencing, and disclosure of Right-to Farm ordinances to future owners. Implementation of these measures will reduce the potential impacts to agricultural resources to insignificant levels.

3. AIR QUALITY - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 1.5 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project was referred to the Air Pollution Control District. The APCD indicated that they do not support this type of development because it would increase the population in rural areas and fosters dependency on private autos as the only viable means of access. The APCD included standard mitigation measures for future construction including fugitive dust control and naturally-occurring asbestos.

Mitigation/Conclusion. The APCD provided recommendations and measures to ensure that no project specific or cumulative air quality impacts occur as a result of the proposed project, including fugitive dust control measures, and guidelines for naturally-occurring asbestos. These issues have been incorporated into the Developer's Statement for this project and will become conditions of approval for the project (refer to attached Exhibit "B").

4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Jones's layia (*Layia jonesii*) List 1B on site; Chorro Creek bog thistle (*Cirsium fontinale* var. *obispoense*) FE, SE, List 1B app. 0.63 and 0.88 miles northwest of site; San Luis mariposa lily (*Calochortus obispoensis*) List 1B app. 0.63 miles northwest of site; San Luis Obispo dudleya (*Dudleya abramsii* ssp. *murina*) app. 0.7 miles northwest of site; Cambria morning glory (*Calystegia subacaulis* ssp. *episcopalis*) List 1B app. 0.92 miles northeast of site.

Wildlife: Vernal pool fairy shrimp (*Branchinecta lynchi*) FT app. 0.99 miles northeast of site.

KEY: FE-Federally Endangered; PFE-Proposed Listing-Federally Endangered; FT-Federally Threatened; PFT-Proposed listing-Federally Threatened; FC-Federal Candidate; FSC-Federal Species of Concern (no longer used); FD - Federally delisted SE-State Endangered; SCE-State Endangered Candidate for listing; ST-State Threatened; SCT-State Threatened Candidate for listing; SR-State Rare; CSC- CA Special Concern Species; FP-CDFG Fully Protected; List 1A-CNPS Presumed extinct in CA; List 1B-CNPS Rare or Endangered in CA & elsewhere; List 2-CNPS Rare or Endangered in CA, but common elsewhere; List 3-CNPS Plants needing more info (Review List); List 4-CNPS Plants of limited distribution (Watch List).

Habitats: Potential Clarkia Habitat app. 0.27 miles south of site; Coastal oak woodland (scattered <10%) app. 0.17 miles west of site.

Impact. The proposed subdivision will result in three new residential parcels of approximately 1.61, 1.94, and 2.03 acres each, with a larger open space parcel of approximately 50.25 acres to be actively farmed.

Red-Legged Frog. A survey to determine the presence of California Red-Legged Frog (CRLF), a federally threatened species, was conducted on for the site (Christopher, 2005). Although no frogs were found, the site appeared to contain suitable habitat for the species. However, proposed development will be located on the higher elevations of the property and not within close proximity to San Luis Obispo Creek.

Botanical Resources. Following a site visit by current planning staff and a follow-up visit by the County biologist, it was determined that sensitive botanical resources, which are consistent with the serpentine soils for this area, would not be impacted due to the location of the proposed building envelopes. The building envelopes are located within grassy areas that have been actively grazed for many years, and are not located on areas with serpentine soils.

Vernal Pool Region. A site visit of the project site by current planning staff was made in March of

2005 to identify the potential for vernal pool habitat and/or listed plant and fairy shrimp species. At this time, no evidence of vernal pools or potential areas for ponded water was observed. The topography in the areas proposed for development is such that water would not pool in a manner consistent with the characteristics of vernal pools or seasonal wetlands. The site slopes up to the proposed building envelopes and drops down to existing farmland. The flatter areas are highly disturbed from farming activities, and no residential development is proposed in those locations. There was no indication of habitat suitable for supporting fairy shrimp or sensitive plant species associated with vernal pools.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. A number of archaeological sites have been found in the area south of San Luis Obispo.

Impact. A Phase 1 (surface survey) was conducted (Conway; July 2004) to determine the existence of archaeological/cultural resources on the site. Though there are archeological resources in the San Luis Obispo area, no resources were identified on the subject property as a result of the Phase 1 survey. The existing structures on the property would not be considered historic. An historic structure, the Octagon Barn, is located on the property to the north. Current access to the existing residence on the subject property wraps around the east side of the Octagon Barn and through the property. The access is intended to remain, and no additional impacts are anticipated from the addition of two residences to the existing driveway.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. GEOLOGY - The topography of the project is nearly level to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. Active faulting is known to exist on-site in the form of the Los Osos Fault Zone that runs east/west through proposed Parcels 2 and 3. The project is within a known area containing serpentine or ultramafic rock or soils.

A geological review was conducted for the project (GeoSolutions, Inc., October 2004) to analyze the potentially active Los Osos Fault Zone on the property. The approximate trend of the fault was established and shown on the project plans. Recommendations for development included a 400-foot wide fault zone buffer (200 feet on either side of the fault trend). The existing residence is located within the 400-foot wide fault zone buffer, and is an existing condition.

DRAINAGE – The area proposed for development is within the 100-year Flood Hazard designation. The closest creek (San Luis Obispo Creek) from the proposed development is approximately 200 feet to the north. Proposed development will occur on the ridge, outside of the 100-year Flood Hazard area. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to not well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to

show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types include: Marimel sandy clay loam, Salinas silty clay loam, (0 - 2 % slope), Gazos-Lodo clay loams, (15 - 30 % slope), Concepcion loam, (2 - 5 % slope), Diablo clay, (5 - 9 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility and low to high shrink-swell characteristics.

As proposed, the project will result in the disturbance of approximately 1.5 acres. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Mitigation/Conclusion.

Geology

Based on the recommendations of the geologic review, no new development shall occur within a 400-foot side buffer centered on the approximated Los Osos Fault Zone. Prior to grading or site disturbance, the applicant has agreed to retain a qualified individual to conduct a geologic investigation for naturally-occurring asbestos. If asbestos is present, the applicant would comply with Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Drainage and Sedimentation/Erosion Control

The attached developer's statement requires a drainage plan and sedimentation/erosion control plan prior to issuance of construction permits. A Storm Water Pollution Prevention Plan (SWPPP) will be required through the Regional Water Quality Control Board. Incorporation of these measures shall reduce the potential for drainage and sedimentation/erosion control impacts to a level of insignificance.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is within the Airport Review area.

Impact. The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. No significant fire safety risk was identified. No impacts as the result of hazards or hazardous materials are anticipated. No mitigation measures are proposed because the project is not located in an area of known hazardous material contamination and does not propose the use of hazardous materials. The use proposed is allowed by the Airport Land Use Plan (ALUP). No features are proposed that would attract waterfowl. Exterior materials are not highly reflective to aircraft. The height of the proposed structure and landscaping will not exceed what is allowed by the ALUP and Land Use Ordinance, and will not result in a safety risk for existing airport flight patterns.

Mitigation/Conclusion. Based on the location of the proposed project, an aviation easement will be required prior to recordation of the final map. No additional mitigation measures are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The site is approximately 0.09 miles east of Highway 101. The topography between the highway and the site consists of low, flat elevations within a flood hazard area which slopes up to a ridge on which new residences are proposed. In reviewing the County's Noise Element, the noise contour maps indicated that a majority of the site could be in the range of 60 to 65 dbA, with the proposed residences located at the outer 60 dbA range. The project is within the Airport Review designation but is not within the noise impact range of the SLO County airport. Active agricultural

operations exist on the site, approximately 150 to 200 feet to the west of proposed development.

Impacts. Future residential development on the property may be exposed to unacceptable levels from nearby road-related noise from South Higuera Street, which is considered a potentially significant effect. Indoor activity areas for the lots could exceed the standards of the Noise Element.

Mitigation/Conclusion. In order to reduce future vehicle traffic noise levels, the applicant has agreed to standard interior noise mitigation for Parcels 1 and 3. Measures to reduce interior noise levels mechanical ventilation, glazing of window and doors, and solid core exterior doors with perimeter weather stripping and threshold seals. Based on the above discussion and implementation of mitigation measures, no significant impacts are anticipated.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Airport station 21) is approximately 4.41 miles to the east. The closest Sheriff substation is in San Luis Obispo (Kansas Ave.), which is approximately 9 miles northwest of the proposed project. The project is located in the San Luis Coastal Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan indicates that a potential trail goes along the proposed project at South Higuera Street. This trail would serve as a link connecting the SLO Land Conservancy's Octagon Barn to Avila Beach as part of the "Bob Jones Trail". The project was referred to County Parks, and no additional easements or trail construction were recommended.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the

improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a project specific significant need for additional park or recreational resources. However, this project with numerous others, will contribute to the demand for parks and recreation resources.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): South Higuera Street. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works/Caltrans.

Impact. The proposed project is estimated to generate about 20 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. Caltrans indicated significant traffic-related concerns in their original letter based on the size of the property (see attached letter). Following the review by County Public Works, it was determined that the addition of two residences would result in a small amount of

additional traffic that will not result in a significant change to the existing road service or traffic safety levels.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation, steep slopes, shallow depth to bedrock, floods, wetness. These limitations are summarized as follows:

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent "daylighting" to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Wetness or High Groundwater – this characteristic occurs when the soil is frequently in a saturated condition, which could be due to several possible factors, such as high groundwater or a low-lying area that is being regularly fed by a water source. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g., high groundwater, etc.) that contains soil does not remain in a saturated condition for any length of time. Otherwise, special engineering

will be required to provide this separation. Prior to building permit approval, it must be shown to the satisfaction of the County that future leach lines of a new septic system show that at least a five foot separation will exist between the bottom of the trench and the top of the high groundwater area. An engineered system may be required to achieve Basin Plan criteria.

Flooding – this characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. “Occasional” flooding refers to the area being flooded on the average once or less every two years. “Frequent” flooding refers to the area being flooded on the average once or more every two years.

Impact. The project proposes to use an on-site system as its means to dispose of wastewater. The project was referred to County Environmental Health to Based on the proposed project, adequate area appears available for an on-site system.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. The existing community well on the property will need to be relocated due to its proximity to the proposed lots. Comprehensive soil borings and percolation testing will be required on proposed parcels 1 and 3 prior to map recordation. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use a community well as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level to moderately sloping. The closest creek (San Luis Obispo Creek) from the proposed development is approximately 200 feet away. As described in the

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NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. On water use, based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 3.54 acre feet/year (AFY)

3 residential lots (w/primary (0.85 afy) & secondary (0.33 afy) X 3 lots) = 3.54 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 1.5 acres. A SWPPP will be required through the Regional Water Quality Control Board.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. The existing community well will need to be relocated due to its proximity to the proposed lots. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:		Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a)	<i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A

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on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

☐
☐
☒
☐

b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

☐
☒
☐
☐

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐
☐
☒
☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input checked="" type="checkbox"/>	Airport Land Use Commission	None
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>City of San Luis Obispo</u>	Attached
<input checked="" type="checkbox"/>	Other <u>County Parks Division</u>	Attached

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> San Luis Obispo Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Christopher, Susan V., Ph.D. June 1, 2005. *California Red-Legged Frog Survey at 4595 South Higuera Street, San Luis Obispo, California.*

Conway, Thor. July 26, 2004. *An Archaeological Survey of the Pereira Project, South Higuera Street, San Luis Obispo, San Luis Obispo County, California.*

GeoSolutions, Inc. October 7, 2004. *No Title.* Subject: Setback from Los Osos Fault Zone.

Exhibit B - Mitigation Summary Table

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Aesthetics

- VS-1 At the time of application for construction permits**, the applicant shall clearly delineate the building sites on the project plans, as shown on the attached exhibit. All new development (e.g. residences, detached garages, guest houses, sheds, access roads and driveways shall be located within the building sites.
- VS-2 At the time of application for construction permits**, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 18 feet in height above the existing ground surface.
- VS-3 At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. The following colors/materials, or darker, shall be used: Roof - (color/material); Exterior walls - (color/material); Trim - (color/material). (All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County, or go to internet website on topic such as: <http://www.it.lut.fi/ip/research/color/demonstration/demonstration.html>)
- VS-4 At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section [22.04.186 of the San Luis Obispo County Land Use Ordinance] and shall provide vegetation that will adequately blend the new development, including driveways, access roads, outbuildings, water tanks, etc., into the surrounding environment.

Agricultural Resources

- AG-1 Prior to recordation of the final map**, the applicant shall incorporate the agricultural buffers described below onto the parcel map. Habitable structures shall not be permitted within the buffer areas.
- A buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based on existing topography, this will include a buffer of 135 feet on the southwest portion of parcel 1, a buffer of 130 feet on the western portion of parcel 2, and a buffer of 135 feet on the west side of parcel 3.
 - A buffer of 50 feet from the eastern property line of parcel 1.

AG-1 Prior to recordation of the final map, the applicant shall incorporate the following measures into the project:

- a. Limit withdrawals from the community well to domestic use for three residential parcels only.
- b. Require future owners of the residential parcels to maintain the access road.
- c. Require an access easement that provides access on and across the proposed residential access road to the owner of the open space parcel.
- d. Limit future ranch/farm headquarters development to a building site not to exceed one-half (1/2) acre.
- e. Limit future agricultural accessory structures/agricultural processing uses to a building site not to exceed one(1) acre with the use directly relating to the on-site production of agricultural products.
- f. Install fencing between the proposed residential parcels and the surrounding agricultural lands. The fencing shall be wood split-fence not to exceed 4 feet in height or a similar open-type attractive fencing.

AG-2 Prior to sale of each individual lot and/or residence, the applicant shall provide each new landowner with a copy of the County Right-to-Farm Ordinance and notification regarding adjacent agricultural land uses. Notification shall include typical and potential hours of operation, the types of crops grown and the usual activities that may occur on properties with irrigated orchards or commercial nurseries. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity.

Air Quality

AQ-1 Prior to issuance of grading and construction permits for both road improvements and individual lot development, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.

- a. Reduce the amount of disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-2 "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring

asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>)

Geology and Soils

- GS-1 Prior to recordation of the final map**, the applicant shall submit a drainage plan for any improvements to the existing access driveway with the subdivision improvement plans, for review and approval by the Department of Planning & Building and Public Works Department. This plan shall, whenever feasible, direct drainage away from existing oak trees to avoid impacting the existing vegetation.
- GS-2 Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental drainage plan for review and approval by the Department of Planning & Building and Public Works Department.
- GS-3 Prior to recordation of the final map**, the applicant shall submit a sedimentation and erosion control plan for any improvements to the existing access driveway with the subdivision improvement plans for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.
- GS-4 Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.
- GS-5 Prior to recordation of the final map**, the applicant shall incorporate a 400-foot geologic hazard buffer centered on the approximated Los Osos Fault Zone, within which no new development shall occur.

Hazards and Hazardous Materials

- H-1** The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel **prior to filing of the final parcel or tract map.**

Noise

- NS-1 At the time of application for construction permits**, the applicant shall show the following on the project plans:
 - a. The structure is provided with air conditioning or mechanical ventilation.

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- b. All exterior doors are solid core with perimeter weather stripping and threshold seals.
- c. The west facing windows shall be fully gasketed, with an STC rating of 30 or better, as determined in testing by an accredited acoustical laboratory. One pane shall be laminated glass.

Wastewater

WW-1 Prior to recordation of the final map, the applicant shall provide soil borings at leach line locations showing that there is adequate separation, or if inadequate separation, plans for an engineered wastewater system that shows how the basin plan criteria can be met as required by Title 19, Building and Construction Ordinance. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Comprehensive soil borings and percolation testing will be required on proposed parcels 1 and 3 prior to map recordation. **Prior to building permit issuance**, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met

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DATE: May 12, 2006

**DEVELOPER'S STATEMENT FOR
MORABITO PARCEL MAP w/CUP
SUB2004-00235; ED05-154**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: All monitoring of the mitigation measures described below to be performed by the Department of Planning and Building.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Aesthetics

- VS-1 **At the time of application for construction permits**, the applicant shall clearly delineate the building sites on the project plans, as shown on the attached exhibit. All new development (e.g. residences, detached garages, guest houses, sheds, access roads and driveways shall be located within the building sites.
- VS-2 **At the time of application for construction permits**, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 18 feet in height above the existing ground surface.
- VS-3 **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. The following colors/materials, or darker, shall be used: Roof - (color/material); Exterior walls - (color/material); Trim - (color/material). (All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County, or go to internet website on topic such as: <http://www.it.lut.fi/ip/research/color/demonstration/demonstration.html>)
- VS-4 **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section [22.04.186 of the San Luis Obispo

County Land Use Ordinance] and shall provide vegetation that will adequately blend the new development, including driveways, access roads, outbuildings, water tanks, etc., into the surrounding environment.

Monitoring Items VS-1 through VS-4: Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

Agricultural Resources

AG-1 Prior to recordation of the final map, the applicant shall incorporate the agricultural buffers described below onto the parcel map. Habitable structures shall not be permitted within the buffer areas.

- a. A buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based on existing topography, this will include a buffer of 135 feet on the southwest portion of parcel 1, a buffer of 130 feet on the western portion of parcel 2, and a buffer of 135 feet on the west side of parcel 3.
- b. A buffer of 50 feet from the eastern property line of parcel 1.

AG-2 Prior to recordation of the final map, the applicant shall incorporate the following measures into the project:

- a. Limit withdrawals from the proposed community well to uses on the project site only.
- b. Require future owners of the residential parcels to maintain the access road.
- c. Require an access easement that provides access on and across the proposed residential access road to the owner of the open space parcel.
- d. Limit future ranch/farm headquarters development to a building site not to exceed one-half (1/2) acre.
- e. Limit future agricultural accessory structures/agricultural processing uses to a building site not to exceed one(1) acre with the use directly relating to the on-site production of agricultural products.

AG-3 Prior to sale of each individual lot and/or residence, install fencing between the proposed residential parcels and the surrounding agricultural lands. The fencing shall be traditional field fence not to exceed 4 feet in height or a similar -type attractive fencing.

AG-4 Prior to sale of each individual lot and/or residence, the applicant shall provide each new landowner with a copy of the County Right-to-Farm Ordinance and notification regarding adjacent agricultural land uses. Notification shall include typical and potential hours of operation, the types of crops grown and the usual activities that may occur on properties with irrigated orchards or commercial nurseries. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity.

Monitoring Items AG-1 through AG-2: Compliance will be verified by the Department of Planning and Building.

Air Quality

AQ-1 Prior to issuance of grading and construction permits for both road improvements and individual lot development, the following notes shall be shown on grading and building plans.

In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.

- a. Reduce the amount of disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-2 "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>)

Monitoring Items AQ-1 through AQ-2: Compliance will be verified by the Department of Planning and Building, in consultation with the Air Pollution Control District.

Geology and Soils

- GS-1 **Prior to recordation of the final map**, the applicant shall submit a drainage plan for any improvements to the existing access driveway with the subdivision improvement plans, for review and approval by the Department of Planning & Building and Public Works Department.
- GS-2 **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental drainage plan for review and approval by the Department of Planning & Building and Public Works Department.
- GS-3 **Prior to recordation of the final map**, the applicant shall submit a sedimentation and erosion control plan for any improvements to the existing access driveway with the subdivision improvement plans for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.

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- GS-4 **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.
- GS-5 **Prior to recordation of the final map**, the applicant shall incorporate a 400-foot wide geologic hazard buffer (200 feet on each side of the trend line) centered on the approximated Los Osos Fault Zone, within which no new development shall occur.

Monitoring Items GS-1 through GS-5: Compliance will be verified by the Department of Planning and Building, in consultation with the County Department of Public Works and County Geologist.

Hazards and Hazardous Materials

- H-1 The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel **prior to filing of the final parcel or tract map.**

Monitoring: Compliance will be verified by the Department of Planning and Building.

Noise

- NS-1 **At the time of application for construction permits**, the applicant shall show the following on the project plans:
- The structure is provided with air conditioning or mechanical ventilation.
 - All exterior doors are solid core with perimeter weather stripping and threshold seals.
 - The west facing windows shall be fully gasketed, with an STC rating of 30 or better, as determined in testing by an accredited acoustical laboratory. One pane shall be laminated glass.

Monitoring: Compliance will be verified by the Department of Planning and Building.

Wastewater

- WW-1 **Prior to recordation of the final map**, the applicant shall provide soil borings at leach line locations showing that there is adequate separation, or if inadequate separation, plans for an engineered wastewater system that shows how the basin plan criteria can be met as required by Title 19, Building and Construction Ordinance. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Comprehensive soil borings and percolation testing will be required on proposed parcels 1 and 3 prior to map

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recording. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met

Monitoring Items: Compliance will be verified by the Department of Planning and Building, in consultation with the County Environmental Health Department.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Angelo P. Morabito
Signature of Owner(s)

5-16-06
Date

Angelo P. Morabito
Name (Print)



COUNTY OF SAN LUIS OBISPO

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Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: February 10, 2005
TO: Brian Pedrotti, Planning Dept.
FROM: Michael Isensee, Agriculture Dept. *mqd*
SUBJECT: Morabito revised Parcel Map Sub2004-00235 (# 1007)

SUMMARY OF FINDINGS

The Agriculture Department's review finds that the proposed Morabito Parcel Map, utilizing the Minor Agricultural Cluster of the County Land Use Ordinance (Sec 22.22.154), will not result in significant environmental impacts to agricultural resources or operations with the following mitigation measures:

- Limit withdrawals from the proposed community well to domestic use for the three residential parcels only.
- Require future owners of the residential parcels to maintain the access road.
- Require an access easement that provides access on and across the proposed residential access road to the owner of the open space parcel (parcel 4).
- Limit future ranch/farm headquarters development to a building site not to exceed one-half (1/2) acre.
- Limit future agricultural accessory structures/agricultural processing uses to a building site not to exceed one (1) acre with the use directly relating to the on-site production of agricultural products.
- Record agricultural buffers on the proposed residential parcels:
 - Locate a buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based upon the current configuration of the residential parcels, this buffer distance translates to a distance range on the proposed residential parcels: 0- to 135-feet on the southwest portion of parcel 1, 130-feet on western portion of parcel 2, and 135- to 150-feet on the west side of parcel 3.
 - Locate a buffer 50 feet from the eastern property line of parcel 1.
 - Buffers are for occupied structures only and do not restrict other uses on the proposed residential parcels.
 - The agricultural buffer should be duly recorded in the chain of title on the subject properties.
- Install fencing between the proposed residential parcels and surrounding agricultural lands.
- Place the property lines of the proposed residential parcels a minimum of 15 feet from the high water mark on the agricultural pond.
- Disclosure of the County's Right to Farm ordinance should be provided to all successors in interest as required by county ordinance (Chapter 5.16).

The comments and recommendations in this report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, CEQA, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. For additional information, please contact me at 781-5753.

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A. PROJECT INFORMATION

The applicant is proposing to divide an approximately 56-acre agricultural property into three residential parcels and one open space parcel utilizing the county's minor cluster ordinance provisions. The project is located on the east side of Higuera Street south of the City of San Luis Obispo.

B. AGRICULTURAL ZONING AND SITE INFORMATION

The property has historically been utilized for agricultural purposes and is zoned Agriculture. It is not currently enrolled in the Land Conservation Act program (Williamson Act contract) but the proposed agricultural/open space parcel would qualify for both a stand-alone preserve and contract due to the presence of more than 40 acres of prime soil utilized for the production of irrigated row crops. Virtually all the land in the immediate vicinity is zoned Agriculture; however, a portion of the parcel to the east is within the City of San Luis Obispo Urban Reserve Area.

Soils

The majority of the applicant's property consists of prime soils (Soil Survey of San Luis Obispo, Coastal Part, Natural Resource Conservation Service). These soils are capable of and have been utilized to produce a variety of irrigated crops on the low-lying portion of the project site. Primarily lower quality class III, IV and VI soils are found in the northeast 6.5-acre portion of the property where the residential parcels are proposed. This area is also topographically separate from the prime farmland, with an elevation gain in this area of approximately 40 feet.

Table 1: Morabito Site Soils

Soil Symbol, Name & Slope	Irrigated capability	Nonirrigated capability	Acres (approx)
120 Concepcion Loam 2-5%	III	III	0.5
<i>129 Diablo Clay, 5-9%</i>	<i>II</i>	<i>III</i>	<i>0.1</i>
143 Gazos Lodo Clay Loam, 15-30%	IV (Lodo); VI (Gazos)	IV (Lodo); VI (Gazos)	6.3
<i>169 Marimel Sandy Clay Loam, Flooded</i>	<i>III</i>	<i>III</i>	<i>39.5</i>
<i>197 Salinas Silty Clay Loam, 0-2%</i>	<i>I</i>	<i>III</i>	<i>9.2</i>
216 Tierra Sandy Loam, 2-9%	III	III	0.1
Total acres (approx.)			55.7

Potentially prime soils are in italics. All acreages based upon GIS data from the NRCS and County Planning

C. PROJECT EVALUATION

The Agriculture Department's review of proposed clusters focuses on the degree of agricultural resources lost, land use compatibility of the proposed cluster, and cluster design utilizing general plan policies, the land use ordinance, CEQA, and departmental policy.

Agricultural Resources

The applicant's proposal protects approximately 46.3 acres of the project site, including approximately 44 acres of prime farmland, for long-term agricultural use. The site has existing water rights to surface water from San Luis Obispo Creek and groundwater, and is located in an area with adequate groundwater resources to sustain irrigated uses on a property of this size. The proposal does place a community well for the three proposed residential parcels on the open space parcel, but limiting withdrawals from this well to domestic use for the three proposed residences can mitigate its presence on agricultural land.

8-59

The proposal also includes an 18-foot access road to proposed parcels 2 and 3. This road crosses a portion of the proposed open space parcel and divides the agricultural pond from the remainder of the open space property. In order to avoid impacts to agricultural resources, the project should dedicate an access easement to guarantee access rights to future open space parcel (parcel 4) owners. The project conditions of approval should also clarify that the owners of the residential properties are responsible for ongoing maintenance of the access road.

The cluster ordinance allows for development of a ranch/farm headquarters occupying up to two and one-half (2.5) acres on the open space parcel (Sec. 22.22.150.B.8.c(1)). Due to the relatively small size of the open space parcel and the lack of potential residential development aside from farm support housing, future development on the parcel should be restricted to one-half (1/2) acre site. The ordinance also allows for the development of up to five (5) acres of agricultural accessory structures/agricultural processing uses (Sec. 22.22.150.B.8.c(3)). Again, due to the size of the proposed open space parcel, accessory development should be limited to no more than one (1) acre and should directly relate to on-site production of agricultural products.

Land use compatibility

The design of the proposed residential parcels limits the amount of interface between future residents and both on- and off-site agricultural operations. The three proposed residential parcels are clustered in one portion of the project site on the least productive soils. The location is above the surrounding agricultural lands. These factors reduce the likelihood of conflict between continued agricultural operations and the future development of residences. Adequate buffer distances and fencing can further increase the likelihood of compatibility.

The distance for future occupied structures on parcels 1, 2, and 3 should be 200 feet from the 90-foot elevation line. This elevation is the toe of the slope and defines the reasonable extent of future intensive agricultural operations on the project site. This 200-foot buffer recommendation would translate into a varying buffer distance on the proposed residential parcels. The agricultural buffer range on the residential parcels would be between zero and 200-feet on the southwest side of proposed parcel 1, 130-feet across the west portion of proposed parcel 2, and a 135- to 150-feet on the west side of proposed parcel 3. In order to accomplish this buffer recommendation and ensure adequate separation between future residential development and areas of intensified agricultural production, the building envelope on proposed parcel 3 should be reduced in size and moved further east.

Due to prevailing winds and the lower quality soils east of proposed parcels 2 and 3, no agricultural buffer is necessary on this side of these parcels. The only likely use of these soils is for grazing, and fencing and established building setbacks can ensure compatibility. However, a 50-foot agricultural buffer should be recorded on the east portion of proposed parcel 1, where dry-farming activities may continue up to and along the property line.

All three proposed residential parcels should be fenced from adjoining agricultural properties. Fencing that is located on the residential parcels reduces the possibility of trespass and damage to agricultural crops, liability concerns for agriculturalists and fencing costs for adjoining agricultural land owners.

Design

The proposed cluster will result in approximately 5.6 acres of the 56-acre site being utilized for three residential parcels ranging in size from 1.61 to 2.03 acres. As previously noted, the proposed residential parcels are located on a knoll that rises approximately 40 feet above the adjoining prime

8-60

farmland to the west and southwest. Thus, the applicant is proposing to utilize the lower-quality portion of the site for future residential development, protecting the on-site prime soils for long-term agricultural use. The proposed parcels do include small portions of potentially prime soils; however, these are located on hillside areas and/or in such small quantities as to have little functional agricultural use.

The proposed parcel configuration locates an agricultural pond on the open space parcel, ensuring that future owners of the protected open space parcel can continue to utilize the existing irrigation system. However, proposed parcels 1 and 2 appear to include portions of the agricultural pond. These parcels should be reconfigured to ensure that the entire pond, plus a setback of at least 15 feet, is located on the open space parcel (parcel 4). This will provide future owners of the open space parcel access around the pond for repair work and, combined with fencing on the residential properties, will reduce liability concerns.

D. RECOMMENDED MITIGATION MEASURES

Based on the findings and conclusion in the previous sections, the Agriculture Department recommends that the project be conditioned to:

- Limit withdrawals from the proposed community well to domestic use for the three residential parcels only.
- Require future owners of the residential parcels to maintain the access road.
- Require an access easement that provides access on and across the proposed residential access road to the owner of the open space parcel (parcel 4).
- Limit future ranch/farm headquarters development to a building site not to exceed one-half (1/2) acre.
- Limit future agricultural accessory structures/agricultural processing uses to a building site not to exceed one (1) acre with the uses directly relating to the on-site production of agricultural products.
- Record agricultural buffers on the proposed residential parcels:
 - Locate a buffer on the western portion of the residential parcels that extends 200 feet east of the 90-foot elevation line. Based upon the current configuration of the residential parcels, this buffer distance translates to a distance range on the proposed residential parcels: 0- to 135-feet on the southwest portion of parcel 1, 130-feet on western portion of parcel 2, and 135- to 150-feet on the west side of parcel 3.
 - Locate a buffer 50 feet from the eastern property line of parcel 1.
 - Buffers are for occupied structures only and do not restrict other uses on the proposed residential parcels.
 - The agricultural buffer should be duly recorded in the chain of title on the subject properties.
- Install fencing between the proposed residential parcels and surrounding agricultural lands.
- Place the property lines of the proposed residential parcels a minimum of 15 feet from the high water mark on the agricultural pond.
- Disclosure of the County's Right to Farm ordinance should be provided to all successors in interest as required by county ordinance (Chapter 5.16).

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET

SAN LUIS OBISPO, CA 93401-5415

PHONE (805) 549-3111

FAX (805) 549-3329

TDD (805) 549-3259

<http://www.dot.gov/dist05>

BPO

8-61

Flex your power!
Be energy efficient!

May 2, 2005

SLO - 101 PM 25.91

Moribito Minor Cluster

Project - SUB 2004-00235

New Project Referral

South County Team
Department of Planning & Building
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

Dear South County Team;

The California Department of Transportation (Department) has reviewed the above referenced document and as a result, the following comments generated.

The documentation in the New Project Referral is lacking specific information regarding the scope of the Minor Cluster Project. The total acreage of the three parcels combined equals 7.5 acres. A cluster development of this size has the potential to create a relatively significant number of peak hour trips. Therefore, we ask that the applicant utilize the services of a Licensed Traffic Engineer to prepare a traffic impact study (TIS) to gauge this project's effects on the U.S. Route 101/Los Osos Valley Road (LOVR) Interchange. Please include the following traffic analysis scenarios: existing traffic conditions, project only traffic conditions, existing + project traffic conditions, cumulative and cumulative + project traffic conditions. Include appropriate mitigation for all significant traffic impacts at 101/LOVR.

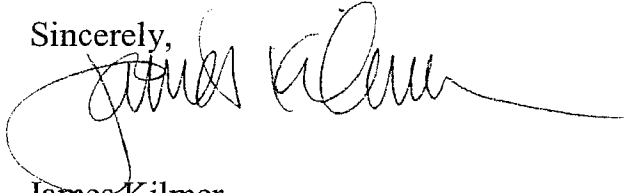
Please coordinate the processing of this application, traffic study and traffic mitigation at 101/LOVR with Mr. Jeff Hook, Planner, with the City of San Luis Obispo. The City of San Luis Obispo, Public Works Department currently has a Traffic Impact Fee Program in place to accept pro rata share contributions from private development projects within the city's boundaries for the reconstruction of the 101/LOVR Interchange.

South County Team
May 2, 2005
Page 2

8-62

Thank you for the opportunity to comment on the Moribito Minor Cluster New Project Referral. If you have any questions, please contact me at 549-3683

Sincerely,

A handwritten signature in black ink, appearing to read "James Kilmer", with a long horizontal flourish extending to the right.

James Kilmer
District 5
Development Review/CEQA Coordination

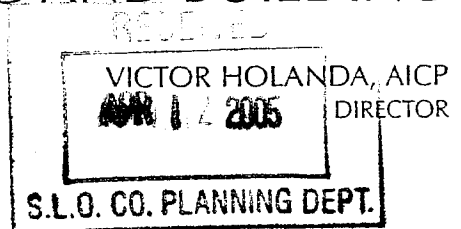
cc: File, D. Murray, R. Barnes, J. Hook, SLO City



SA. LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

2005 MAR -1 AM 10:30

8-63



THIS IS A NEW PROJECT REFERRAL

DATE:

From:

TO:

2/28/05 04/11/05

Parks

South Co. Team

(Please direct response to the above)

MORABITO

SUB 2004-00235

Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

Parcel map w/ concurrent CUP. 4 lots
on 57 acres, located off S. Higuera St. in SLO.
APN: 076-081-020. SLO/R5LO Parcel Map CO 04-0582

Return this letter with your comments attached no later than:

3/18/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

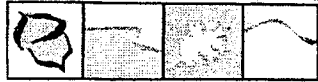
INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Would like to meet with the applicant to
discuss an ^{Trail} easement along South Higuera for
the Bob Jones Pathway.
SEE Attached memo

04/11/05
Date

Jan D. Leo
Name

XY019
Phone



SAN LUIS OBISPO
COUNTY PARKS

8-64

MEMO

TO: Dave Pereira

FROM: Jan Di Leo

DATE: April 11, 2005

SUBJECT: Morabito Lot Split and Conditional Use Permit (SUB 2004-00235)

This memo is regarding the proposed lot split and conditional use permit proposed on South Higuera in San Luis Obispo. The proposed project would result in a minor cluster subdivision, creating four residential lots. The project site (i.e., APN 076-081-020) is currently 57 acres.

As you are aware, the County's *Trails Plan* and *Bicycle Plan* indicate a trail along South Higuera in your project's vicinity. This trail would serve as a link connecting the SLO Land Conservancy's Octagon Barn to Avila Beach.

Please contact me regarding a site visit. I would like to discuss the proposed trail corridor with you as soon as possible. If you have any questions please have give me a call at 781-4089. Thank you.



County of San Luis Obispo • Public Health Department

8-65

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

January 26, 2005

Westland Engineering, Inc.
3480 South Higuera Street, Suite 130
San Luis Obispo, CA 93401

ATTN: William Rebik
RE: TENTATIVE PARCEL MAP CO 04-0582 (Morabito)

Water Supply

This office is in receipt of satisfactory **preliminary** evidence of water. Please be advised that additional water well documentation will be required for **each** lot prior to approving the map for recordation. Adequate documentation will include the well completion report, the well capacity (pump test) and full water quality testing, not more than five years old, prior to final recordation. Any proposal to share a domestic water well would require consultation with Division staff.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met. Comprehensive soil borings and percolation testing will be required on the vacant parcels 1 and 3 prior to map recordation. Be advised that septic systems cannot be placed on a slope greater than 30%; therefore, soil testing should not occur in those areas.

CO 04-0582 is approved for Environmental Health subdivision map processing.

Laurie A. Salo

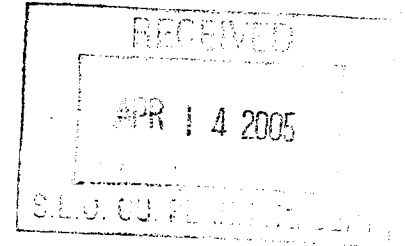
LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
Angelo Morabito, Owner



AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

8-66



April 12, 2005

Mr. David Pereira
4595 S. Higuera St.
San Luis Obispo, CA 93401

SUBJECT: Minor Agricultural Cluster (SUB-2004-00235)

Dear Mr. Pereira:

Following our meeting on March 30, 2005, District staff requested and obtained an updated copy of Title 22 from the County Department of Planning and Building. Based on our review of Section 22.22.154 Minor Agricultural Cluster, we are submitting this letter, in place of our letter dated March 18, 2005. We have changed our overall recommendation from deny to do not support, for the reasons cited below.

The District recognizes the intent of the minor agricultural cluster land use ordinance is to provide an option for development while protecting and preserving the majority of the property for agricultural purpose. The District also understands and appreciates efforts to preserve agricultural lands throughout the county.

While this proposal does preserve approximately 50 acres of agricultural lands it also creates 3 new agricultural parcels that are only 2.5 acres each in size. District staff feels this type of development is precedence setting by allowing smaller lots in areas zoned agricultural. By creating 2.5 acre parcels in an area zoned agriculture and surrounded by agriculture, it will likely increase the possibility for neighboring parcels to seek similar parcel sizes in the future. This type of development is unsustainable by increasing population densities in rural areas where services are limited. It also fosters continued dependency on private autos as the only viable means of access to essential services and other destinations. We do not support development which increases residential density in rural areas.

Should this project continue to move forward against our recommendation, we would like to be included in the review of future development proposals. We can provide information on local, state, and federal air quality requirements associated with construction and operational activities including nuisance control, developmental burning, demolition, and Naturally Occurring Asbestos, and permitting requirements.

If you have any questions or comments feel free to contact me at 781-4667.

Sincerely,

Melissa Guise
Air Quality Specialist

MAG/sll

cc: South County Team
h:\oia\plan\response\3001-2.doc



**CDF/San Luis Obispo County
Fire Department**

635 N. Santa Rosa • San Luis Obispo • California 93405

March 14, 2005

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Parcel Map Project # Morabito/SUB2004-00235

Dear South County Team,

I have reviewed the referral for the parcel map plans for the proposed four parcel subdivision project located at 4595 S. Higuera St., San Luis Obispo. This project is located approximately 6-8 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.

- 7-58**
- Road must be named and addressed including existing buildings.
 - A turnaround must be provided if the road exceeds 150 feet.
 - Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

- ☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.
- ☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,


Gilbert R. Portillo

Fire Inspector

c: Mr. Angelo P. Morabito, owner
Westland Engineering, Inc.



12
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

CORRE 2-05
8-69

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 2/28/05
TO: City of SLO
FROM: South Co. Team
(Please direct response to the above)

MORABITO
SUB 2004-00235
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION: Parcel map w/ concurrent CUP. 4 lots
on 57 acres, located off S. Higuera St. in SLO.
APN: 076-081-020. SLO/RSLO Parcel Map CO 04-0582

Return this letter with your comments attached no later than: 3/18/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

PROVIDE SUBDIVIDERS STATEMENT, DESCRIPTION
OF EASEMENTS, ACCESS, PLANNED USES,
EXCEPTIONS REQUESTED, IF ANY.

3/7/05
Date
JEFF HOOK
Name
781-7176
Phone



BP
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

MAR - 1 2005

12
VICTOR HOLANDA, A.
DIRECTOR

8-70
THIS IS A NEW PROJECT REFERRAL

DATE:

2/28/05

FROM

PW

MORABITO



South Co. Team

(Please direct response to the above)

SUB 2004-00235

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION:

Parcel map w/ concurrent CUP. 4 lots
on 57 acres, located off S. Higuera St. in SLO.
APN: 076-081-020. SLO/R/SLO Parcel Map Co 04-0582

Return this letter with your comments attached no later than:

3/18/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

YES
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

WHERE IS BLDG SITE FOR PARCEL 4? WHAT IS "EXTENSION OF
LETTIS TREND"? STUCKS ATTACHED.

16 MARCH 2005
Date

Goodwin
Name

5252
Phone

EXHIBIT BCONDITIONS OF APPROVAL FOR CO 04-0582, MORABITO PEREIRAApproved Project**8-71**

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ **acres / square feet** each.

Access and Improvements

- ☐ Roads and/or streets to be constructed to the following standards:
- a. _____ constructed to a _____ section within a _____ foot dedicated right-of-way.
 - b. _____ widened to complete a _____ section fronting the property.
 - c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).
- ☐ The applicant offer for dedication to the public by certificate on the map or by separate document:
- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
 - b. For future road improvement _____ feet along _____ to be described as _____.
 - c. For road widening purposes _____ feet along _____, to be described as _____ feet from the recorded centerline.
 - d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
 - e. A _____ foot radius property line return at the intersection of _____.
 - f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.



The intersection of PUT ON SITE ACCESS RD and HIGUERA ST be designed in accordance with California Highway Design Manual.



Access be denied to lots _____ from _____ and that this be by certificate and designation on the map. **8-72**



The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.



A private easement be reserved on the map for access to lots 1 thru 4.



A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.



All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans



Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:

- a. Street plan and profile.
- b. Drainage ditches, culverts, and other structures (if drainage calculations require).
- c. Water plan (County Health).
- d. Sewer plan (County Health).
- e. Grading and erosion control plan for subdivision related improvement locations.
- f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
- g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
- h. Trail plan, to be approved jointly with the Park Division.



The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.



The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.



If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:

- a. Submit a copy of all such permits to the Department of Public Works OR
- b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

8-73

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☐ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☐ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☐ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *Provide WDID # to County*

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association**. Impervious paving over a disposal area is not considered acceptable.

8-74

- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**_____.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed **underground** ^{or} **overhead**.
- ☒ Cable T.V. conduits shall be installed in the street.
- ☒ Gas lines shall be installed.
- ☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- ☐ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).



The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

8-75

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet ***Land Use Ordinance / Coastal Zone Land Use Ordinance*** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total ***number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.***
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

8-76

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building***. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. (***ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN***)
 - b. Drainage basin perimeter landscape screening. (***ONLY USE FOR FENCED BASINS***)
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE **ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP**

- ☐ _____
- ☐ _____

Additional Map Sheet



The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** _____.

d.

Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.

e.

Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

f.

Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

g.

An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.

h.

The limits of inundation from a 100 year storm over lots 1 - 4 from SAN LUIS creek ~~river~~ shall be shown on the additional map and note the required building restriction in the on the sheet.

i.

If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

j.

A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.

k.

Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)

l.

In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

m.

PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

Miscellaneous

8-78

- ☒ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- ☐ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

Covenants, Conditions and Restrictions

8-79



The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots 1-4 from SAN LUIS creek ~~river~~ shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- l. _____

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

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